

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

United States of America,
Plaintiff

v.

Alexander Guevara,
Defendant

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Crim. No.:
4:21-cr-00528

**UNOPPOSED MOTION TO CONTINUE TRIAL
AND EXTEND PRETRIAL DEADLINES**

COMES NOW Alexander Guevara, Defendant, by and through his undersigned counsel, and respectfully moves this Honorable Court to continue the trial date and extend all pretrial deadlines.

I.

The Indictment charges the Defendant with three Counts: Count 1, Possession With Intent to Deliver a Controlled Substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(B)(v); Count 2, Possession With Intent to Deliver a Controlled Substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841 (b)(1)(B)(viii); and Count 3: Felon in Possession of a Firearm, in violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(2).

II.

The time period alleged in the indictment spans from on or about September 2, 2020 continuing through September 3, 2020. The criminal conduct charged is alleged to have occurred in the Southern District of Texas and elsewhere within the jurisdiction of the Court.

III.

This case is set for a Pretrial Conference on November 28th, 2022, at 8:30 am and Jury Trial

is set for December 5th, 2022, at 9:00 am. Several pertinent deadlines are approaching that are relevant to this motion, specifically, motions shall be filed by November 4th, 2022, and responses shall be filed by November 18th, 2022. Discovery is ongoing. Counsel for Defendant received discovery that is not accessible and needs additional time to receive and review an alternate copy. Once a competent review of the discovery is made, Counsel will need additional time to complete his investigation and determine whether any motions need to be filed and possibly prepare for trial. It is respectfully requested that all pretrial deadlines be extended and that a new trial date be entered. Defendant is seeking a continuance of at least 60-days. Assistant United States Jennifer C. Stabe is not opposed to the requested continuance.

IV.

Counsel moves for the continuance of trial date and extension of pretrial deadlines because of the need for additional time to receive and review discovery, investigation, pleas negotiations, and/or preparation of the defense. Counsel further avers that the interest of justice outweighs the interest of the Defendant and the public in a speedy trial and agree that the time from the scheduled docket call through the next docket call, is excludable time within the meaning of the Speedy Trial Act, 18 U.S.C. §§3161 et seq.

THEREFORE, for the foregoing reasons, the Defendant Alexander Guevara, respectfully moves that this cause be continued and that a new trial date be issued with all corresponding deadlines. Defendant urges that the ends of justice served by this delay outweigh the interests of the public and the defendants to a speedy trial, for the reasons set forth.

Respectfully submitted,

/s/ Spence D. Graham

Spence D. Graham

TBN 24036665

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Attorney for Defendant

CERTIFICATE OF SERVICE & CONFERENCE

I, Spence D. Graham, do hereby certify that on this **November 4, 2022**, a copy of the foregoing Motion was served by e-mail service to counsel of record and their position on this motion is as follows:

Jennifer C. Stabe [X] UNOPPOSED U.S. Attorney's Office

/s/ Spence D. Graham

Spence D. Graham